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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,693

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Eddie N. Stanton

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EXAMINER

LEE, GILBERT Y

ART UNIT

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3676

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,693	<b>Applicant(s)</b> STANTON ET AL.	
	<b>Examiner</b> GILBERT Y. LEE	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 83 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-21, 23-31, 33-44, 46-53, 55-63, 65-69, 75-82, 84-87, 89-97, 127, 128 and 130-139 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

Continuation of Disposition of Claims: Claims pending in the application are 1-13,15-21,23-31,33-44,46-53,55-63,65-69,75-82, 84-87,89-97,127,128 and 130-139.

### DETAILED ACTION

1. The amendment filed 3/6/09 has been entered.

### *Election/Restrictions*

2. Claim 83 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/6/06. Amended claim 8 is now drawn to Fig. 11.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “telescoping structures” in claims 1 and “means for telescoping” in claim 33, “seat” in claim 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Objections***

5. Claims 15 and 47 are objected to because of the following informalities: the claims should start with "The". Appropriate correction is required.

6. Claims 2 and 34, objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. The amendment to claims 1 and 33 now recite the limitations of claims 2 and 34.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13, 15-21, 23, 30, 31, 33-44, 46-53, 55, 62, 63, 65-69, 75-82, 84-87, 89, 96, 97, 127, 128, 130, and 131-139 are rejected under 35 U.S.C. 102(b) as being anticipated by Covert et al. (US Patent No. 5,263,682).

Regarding claims 1 and 33, the Covert et al. reference discloses a packing cartridge (Fig. 3) for use in a packing bore (Fig. 3), wherein the packing bore has a cylindrical interior wall and a seat (Fig. 3), the packing cartridge comprising: a generally cylindrical sleeve (including the element that has interior wall 78 and the element 76); a first abutment ring (84); a second abutment ring (52); telescoping structures (Fig. 3); and a retaining ring (90). Note that the telescoping structures include the element having interior wall 78 and the element 66, in which the element having interior wall 78 is **capable of** telescoping and allowing for squeezing of the first abutment ring and the second abutment ring co-axially closer to one another.

Regarding claims 2, 34, 67, and 69, the Covert et al. reference discloses that the telescoping structures/the first and second sleeve portions and the retaining ring **allow for** squeezing of the first and second abutment rings. Note that element 76 can be tightened (Col. 4, Lines 25-30).

Regarding claims 3, 35, 68, and 76, the Covert et al. reference discloses the telescoping structures having overlapping travel (Col. 4, Lines 23-25). Note that the packing could be crushed if element 76 is over tightened.

Regarding claims 4, 36, and 136, the Covert et al. reference discloses a spring (74) between the first abutment ring (84) and the second abutment ring (52).

Regarding claims 5, 37, 78, and 127, the Covert et al. reference discloses the telescoping structures/first and second sleeve portions having overlapping travel (Col. 4, Lines 23-25).

Regarding claims 6, 38 and 138, the Covert et al. reference discloses a first sleeve portion (76) and a second sleeve portion (element having interior wall 78), and wherein the telescoping structures are a part of the first and second sleeve portions (Fig. 3).

Regarding claims 7 and 39, the Covert et al. reference discloses the first sleeve portion is positioned in at least a portion of the packing bore (Fig. 3) and the second sleeve portion having a portion telescopically positioned in at least a portion of the first sleeve (Fig. 3).

Regarding claims 8 and 40, the Covert et al. reference discloses the first abutment ring (84) being connected to the first sleeve portion (76) and the second abutment ring (52) being connected to the second sleeve portion (element having interior wall 78).

Regarding claims 9, 12, 41, 44, and 82, the Covert et al. reference discloses the first abutment ring (84) being integrally formed to the first sleeve portion (76) and the

second abutment ring (52) being integrally formed to the second sleeve portion (element having interior wall 78).

Regarding claims 10, 42, 66, 131, and 139, the Covert et al. reference discloses a spacer (100) which covers the overlapping travel of the telescoping structures (Fig. 3).

Regarding claims 11 and 43, the Covert et al. reference discloses the telescoping structures (Fig. 3). Note that the telescoping structures include the element having interior wall 78 and the element 66, in which the element having interior wall 78 is capable of telescoping.

Regarding claims 13, 46, and 130, the Covert et al. reference discloses the retaining ring (90) comprising a resilient ring (Col. 4, Lines 33-39) **adapted to** be positioned in a groove (88).

Regarding claims 15, 47, and 79, the Covert et al. reference discloses packing (including upper element 102 and bottom element 102) between the first and second abutment rings (Fig. 3).

Regarding claims 16, 48, and 80, the Covert et al. reference discloses the packing further comprising a plurality packing elements (including upper element 102 and bottom element 102).

Regarding claims 17, 49, and 81, the Covert et al. reference discloses a packing spacer (middle element 102) positioned between the plurality of packing elements (Fig. 3).

Regarding claims 18, 50, and 84, the Covert et al. reference a structure forming a circumferential pressure-ring groove (groove formed by bore 68 and upper wall of



abutment ring 52); and a pressure ring (inner element 70) positioned in the pressure-ring groove (Fig. 3), the pressure ring having smaller dimensions than the internal dimensions of the pressure-ring groove (Fig. 3).

Regarding claims 19, 51, and 85, the Covert et al. reference discloses the pressure ring having a smaller internal diameter than the outside diameter of a plunger (20).

Regarding claims 20, 52, and 86, the Covert et al. reference discloses the pressure ring having an inwardly facing surface (Fig. 3) with a low coefficient of friction. Note that the element 70 is made of resinous material, which is known to have low coefficient of friction.

Regarding claims 21, 53, and 87, the Covert et al. reference discloses the pressure ring having a relatively thin wall thickness (Fig. 3). Note that the ring 70 gets smaller in diameter, thereby creating a thin wall.

Regarding claims 23, 55, and 89, the Covert et al. reference discloses a difference in the external dimension of the pressure ring and the internal dimension of the pressure-ring groove (Fig. 3). Note that the difference of the two dimensions is **capable of** forming a small fluid reservoir.

Regarding claims 30, 62, and 96, the Covert et al. reference discloses the structure forming the pressure-ring groove is a portion of the second abutment ring (52).

Regarding claims 31, 63, and 97, the Covert et al. reference discloses the structure forming the pressure-ring groove is a portion of the second sleeve portion (element having interior wall 78).

Regarding claim 65, the Covert et al. reference discloses a packing cartridge (Fig. 3) for use in a packing bore (Fig. 3), wherein the packing bore has a cylindrical interior wall and a seat (Fig. 3), the packing cartridge comprising: a first element (76) comprising: a first sleeve portion (Fig. 3); and a first abutment ring (84); and a second element (element having interior wall 78) comprising: a second sleeve portion (Fig. 3); and a second abutment ring (52); wherein the first sleeve portion and the second sleeve portion are operatively positioned between the first abutment ring and the second abutment ring to allow for squeezing of the first abutment ring and second abutment ring co-axially closer to one another. Note that element 76 can be tightened (Col. 4, Lines 25-30).

Regarding claims 75 and 77, the Covert et al. reference discloses a means for axially retaining the first and second sleeve portions together (e.g. threads) and the first and second sleeve portions and the means for axially retaining **allow for** squeezing of the first and second abutment rings. Note that element 76 can be tightened (Col. 4, Lines 25-30).

Regarding claim 128, the Covert et al. reference discloses a means for axially retaining the first and second sleeve portions together (90).

Regarding claims 132 and 133, the Covert et al. reference discloses the telescoping structure/means for telescoping and the retaining ring/means for axially retaining being **capable of** allowing a packing (e.g. 94) to be held in a pres-assembled but relaxed condition.

Regarding claim 134, the Covert et al. reference discloses a means for axially retaining the first and second sleeve portions together (e.g. threads); wherein the first and second sleeve portions and the means for axially retaining are **capable of** allowing a packing (e.g. 94) to be held in a pres-assembled but relaxed condition.

Regarding claim 135, the Covert et al. reference discloses a packing cartridge (Fig. 3) for use in a packing bore (Fig. 3), wherein the packing bore has a cylindrical interior wall and a seat (Fig. 3), the packing cartridge comprising: a generally cylindrical sleeve (including the element that has interior wall 78 and the element 76); a first abutment ring (84); a second abutment ring (52); packing (e.g. 94) positioned between the first abutment ring and the second abutment ring (Fig. 3); telescoping structures (Fig. 3); and a retaining ring (90); wherein the telescoping structures and the retaining ring are **capable of** allowing the packing to be held in a pres-assembled but relaxed condition. Note that the telescoping structures include the element having interior wall 78 and the element 66, in which the element having interior wall 78 is **capable of** telescoping and allowing for squeezing of the first abutment ring and the second abutment ring co-axially closer to one another.

Regarding claim 136, the Covert et al. reference discloses a spring (74) operatively positioned between the first abutment ring and the second abutment ring (Fig. 3).

Regarding claim 137, the Covert et al. reference discloses the telescoping structures having at least sufficient overlapping travel to help maintain the first abutment ring and the second abutment ring in substantial co-axial alignment (Fig. 3) while the

spring is anywhere between a substantially relaxed condition and a substantially compressed condition (e.g. Col. 4, Lines 24-39).

Regarding claim 138, the Covert et al. reference discloses

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-29, 56-61, and 90-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Covert et al.

Regarding claim 24-27, 56-59, and 90-93, the Covert et al. reference discloses the claimed invention substantially as claimed in claims 1, 33, and 65 except for the dimensions of the pressure ring and the pressure-ring groove. It would have been an obvious mechanical expedient to provide the Covert et al. reference with the claimed dimensions, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 28, 29, 60, 61, 94, and 95, the Covert et al. reference discloses the invention substantially as claimed in claims 1, 33, and 65, including the pressure ring being made of resinous material, except for the pressure ring being made of fluorocarbon. It would have been obvious to one of ordinary skill in the art at the time

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the invention was made to make the pressure ring of the Covert et al. reference out of fluorocarbon, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416 (CCPA 1955). See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331. Note that the pressure ring of the Covert et al. reference is made of resinous material, and it is widely known that fluorocarbon is resinous plastic (see Sieghartner US Patent No. 4,155,559, Col. 2, Lines 16-20).

### ***Response to Arguments***

7. Applicant's arguments filed 3/6/09 have been fully considered but they are not persuasive.

With regards to the applicant's argument of the Drawing Objections of claims 1 and 33, the argument is not persuasive because the claims require separate structures.

With regards to the applicant's argument of claims 1, 33, and 65, the argument is not persuasive because the threads allow the abutment rings to move co-axially closer or further to one another. Applicant further argues that element 90 does not "meaningfully" retain any of the other element of the structure together. The current disclosure shows element 464 being a retaining ring. The element 464 is merely a ring between multiple components of the packing cartridge. Element 90 of the Covert et al. reference acts in the same manner as 464 of the current disclosure in that they merely abut other elements.

With regards to the applicant's argument of claims 2, 7, 34, 39, 67, 69, 75, and 77, the argument is not persuasive because a "packing bore" can be considered as any bore which includes packing. The applicant further argues that the Covert et al. reference fails to disclose a packing cartridge. This argument is not persuasive since various parts of the Covert et al. reference can be pre-assembled due to the threading.

With regards to the applicant's argument of claims 10, 42, 66, and 131, the argument is not persuasive because the spacer ring (445) of the current disclosure is merely a ring that is radially inward of the two telescoping members. Element 100 of the Covert et al. reference is clearly a ring placed radially inward of the two telescoping members. The examiner is interpreting the current disclosure to mean that the spacer ring is covering the overlapping travel when looking radially outwardly from the center axis.

With regards to the applicant's argument of claims 11 and 43, the argument is not persuasive because Fig. 3 of the Covert et al. reference clearly anticipates the claimed structure of claims 11 and 43. If applicant is arguing that claims 11 and 43 are in fact claiming subject matter of Fig. 3 of the current disclosure, then claims 11 and 43 will have to be withdrawn for claiming subject matter directed to a non-elected Species.

With regards to the applicant's argument of claims 13, 46, and 130, the argument is not persuasive. As stated above, the current disclosure shows element 464 being a retaining ring. The element 464 is merely a ring between multiple components of the packing cartridge. Element 90 of the Covert et al. reference acts in the same manner as 464 of the current disclosure in that they merely abut other elements.

With regards to the applicant's argument of claims 132-129 see above rejection.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GILBERT Y. LEE whose telephone number is (571)272-5894. The examiner can normally be reached on 8:00 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art  
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